

REMARKS

Initially, the restriction requirement seems to be inconsistent. Initially, the inventions I and II were said to be related as subcombinations. While in the paragraph bridging pages 2 and 3 of the Office Action, they are stated to be a processing and apparatus.

Also on page 3 in the last portion of that paragraph, it was stated as follows:

In the instant case, the apparatus as claimed can be used to practice another and materially different process, rather than including blending a material with the amorphous saturated hydrocarbon thermoplastic to produce a blend."

The last cited portion of the Office Action is certainly inconsistent with previous statements made in the letter.

In order to expedite examination, the Applicant does elect, without traverse, Group I and Species B. The claims readable on Species B are as follows:

- (1) Claims 11-18 and 49-50
- (2) 19-27 and 51-52; and
- (3) 28-34

Claims 1-10, 35-48 are withdrawn.

In the above three sets of claims set forth, Set 1 specifies the groove depth of the optical recording medium in terms of the wavelength of read light and the refractory index of the medium.

Set 2 specifies the groove depth and width of the optical recording medium.

Set 3 specifies the groove depth of the optical recording medium in terms of the wavelength of the read light and the refractory index in reflectance of the medium.

The elected claims are considered within the scope of Species B.

Also, it is noted that claims 49-52 are identified in the restriction requirement as belonging to Group I. These are dependent claims on claim 11, 14, 19 and 21 and should be examined because they are dependent claims on the claims identified in Group I.

CONCLUSION

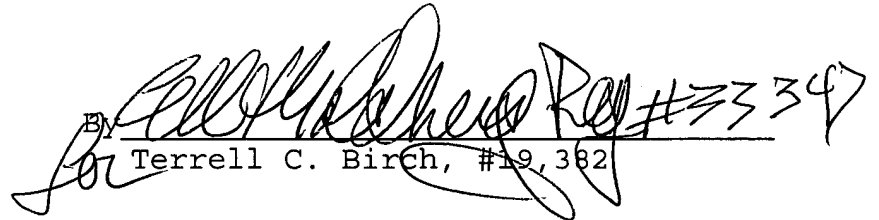
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Elliot A. Goldberg (Reg. No. 33,347) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Appl. No. 09/784,061

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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